

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Joseph M. Sedlak
aka heirs at law of Cynthia A. Pienkoski
Debtor(s)

Bankruptcy Case No.: 16-24474-TPA
Per November 29, 2017 proceeding
Chapter: 13
Docket No.: 68 – 60
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 9, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,450.00 as of December 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

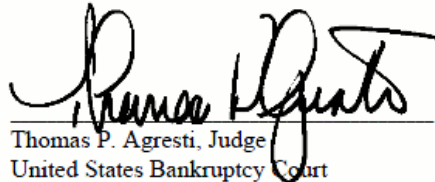
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: December 15, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Joseph M. Sedlak
 Debtor

Case No. 16-24474-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jmar
 Form ID: 149

Page 1 of 2
 Total Noticed: 38

Date Rcvd: Dec 15, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 17, 2017.

db #+Joseph M. Sedlak, 354 Vine Street, Homestead, PA 15120-2217
 cr +Borough of Munhall & Steel Valley School District, Goehring, Rutter & Boehm,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 cr ECMC, P.O. Box 16408, St. Paul, MN 55116-0408
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14337128 Allegheny County, Treasurer's Office, Courthouse, Room 108, Pittsburgh, PA 15219
 14334661 +AmeriCredit Financial Services, Inc. dba GM Financ, P O Box 183853,
 Arlington, TX 76096-3853
 14376837 +Borough of Munhall & Steel Valley School District, Goehring, Rutter & Boehm,
 c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building,
 Pittsburgh, PA 15219-6101
 14337125 Capital One Bank, P.O. Box 71083, Charlotte, NC 28272-1083
 14414747 Deutsche Bank National Company, As Trustee, et al., c/o Ocwen Loan Servicing, LLC,
 Attn: Bankruptcy Department, P.O. Box 24605, West Palm Beach, FL 33416-4605
 14733257 +Educational Credit Management Corp., PO BOX 16408, St. Paul, MN 55116-0408
 14391206 Educational Credit Management Corporation, Po Box 16408, Saint Paul MN 55116-0408
 14337124 First Premier Bank, P.O. Box 5529, Sioux Falls, SD 57117-5529
 14337129 +Homestead Borough, 221 E. 7th Avenue, Homestead, PA 15120-1511
 14330739 +Munhall Borough, 1900 West Street, Homestead, PA 15120-2595
 14337122 +Nationstar, P.O. Box 60516, City of Industry, CA 91716-0516
 14652105 +Nationstar Mortgage, LLC, P.O. Box 619094, Dallas, TX 75261-9094
 14337121 Ocwen, P.O. Box 660264, Dallas, TX 75266-0264
 14337116 PHEAA, 1200 North Seventh Street, Harrisburg, PA 17102-1444
 14347353 +PHEAA, PO BOX 8147, HARRISBURG, PA 17105-8147
 14365153 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 North Lincoln Avenue,
 Pittsburgh, PA 15233-1828
 14337114 Santander Consumer, P.O. Box 105255, Atlanta, GA 30348-5255
 14341323 +Santander Consumer USA, Inc., P.O. Box 560284, Dallas, TX 75356-0284
 14337127 +Steel Valley School District, 3113 Main Street, Munhall, PA 15120-2796
 14391200 U.S. Department of Education, c/o FedLoan Servicing, P.O. Box 69184,
 Harrisburg, PA 17106-9184

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 16 2017 00:59:23
 PRA Receivables Management, LLC, PO Box 41067, Norfolk, VA 23541-1067
 14401652 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Dec 16 2017 00:59:54
 American InfoSource LP as agent for, Verizon, PO Box 248838,
 Oklahoma City, OK 73124-8838
 14415193 +E-mail/Text: kburkley@bernsteinlaw.com Dec 16 2017 00:51:36 Duquesne Light Company,
 c/o Peter J. Ashcroft,, Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,,
 Pittsburgh, PA 15219-1945
 14354368 E-mail/Text: bkr@cardworks.com Dec 16 2017 00:50:33 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 14337123 E-mail/Text: bkr@cardworks.com Dec 16 2017 00:50:33 Merrick Bank, P.O. Box 660702,
 Dallas, TX 75266-0702
 14351534 E-mail/PDF: cbp@onemainfinancial.com Dec 16 2017 00:48:36 ONEMAIN FINANCIAL,
 P.O. BOX 3251, EVANSVILLE IN, 47731-3251
 14337118 E-mail/PDF: cbp@onemainfinancial.com Dec 16 2017 00:48:58 One Main Financial,
 P.O. Box 742536, Cincinnati, OH 45274-2536
 14337120 E-mail/PDF: cbp@onemainfinancial.com Dec 16 2017 00:48:59 One Main Financial,
 P.O. Box 9001122, Louisville, PA 40290-1122
 14342631 +E-mail/PDF: cbp@onemainfinancial.com Dec 16 2017 00:48:46 OneMain, 605 Munn Rd,
 Fort Mill, SC 29715-8421
 14695166 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 16 2017 00:59:55
 Portfolio Recovery Associates, LLC, PO Box 41067, Norfolk, VA 23451
 14414371 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 16 2017 00:59:23
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14371064 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 16 2017 01:06:06
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14395778 +E-mail/Text: JCAP_BNC_Notices@jcap.com Dec 16 2017 00:51:18 Premier Bankcard, Llc,
 c o Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-7999
 14409451 +E-mail/PDF: gecsed@recoverycorp.com Dec 16 2017 00:48:36 Synchrony Bank,
 c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021

TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Deutsche Bank National Trust Company, et. al.
 cr Duquesne Light Company
 cr NATIONSTAR MORTGAGE LLC
 14330740 Ocwen
 14330741 Santander

District/off: 0315-2

User: jmar
Form ID: 149

Page 2 of 2
Total Noticed: 38

Date Rcvd: Dec 15, 2017

cr* +Americredit Financial Services, Inc. dba GM Financ, PO Box 183853, Arlington, TX 76096-3853
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14351536* ONEMAIN FINANCIAL, P.O. BOX 3251, EVANSVILLE IN, 47731-3251

TOTALS: 5, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 17, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 15, 2017 at the address(es) listed below:

James Warmbrodt on behalf of Creditor NATIONSTAR MORTGAGE LLC bkgroup@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor Borough of Munhall & Steel Valley School District
jhunt@grblaw.com, cnoroski@grblaw.com
Jeremy J. Kobeski on behalf of Creditor Deutsche Bank National Trust Company, et. al.
pawb@fedphe.com
Jerome B. Blank on behalf of Creditor Deutsche Bank National Trust Company, et. al.
pawb@fedphe.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com; acarr@bernsteinlaw.com
Rodney D. Shepherd on behalf of Debtor Joseph M. Sedlak rodsheph@cs.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com; srk@sjwpgh.com
Thomas Song on behalf of Creditor Deutsche Bank National Trust Company, et. al.
thomas.song@phelanhallinan.com

TOTAL: 10